IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMARY SUIT NO. 2347 OF 2002

ICICI PFS Ltd .....**Plffs.**
vs.
Mr. Rupesh Mehta .....**Defnds.**

S.P. Rao i/by. M.V.Kini and co.for plaintiffs.
None for defendants.

CORAM: S.U. KAMDAR, J.

DATE : 27th February, 2006.

P.C. :.

1. The defendants are duly served. No affidavit in reply has been filed nor the defendants are appearing in the matter. The suit is filed on the basis of the claim arising out of credit card issued by the plaintiffs pursuant to an application made by the defendant. The credit card bearing no. 4477470022967005 has been used by the defendants including withdrawal of the cash. In the aforesaid circumstances, the present suit has been filed for recovery of sum of Rs. 78597.90/- with interest on Rs.4192.87/- totalling to Rs. 82790.77/- Plaintiff

tenders a compilation of original documents which is taken on record and marked Ex.P.1 colly. Affidavit of service dated 30.8.2002 is taken on record. In view of the fact that no affidavit in reply is filed, though the defendant are duly served, I pass the following decree.

There shall be a decree in favour of the plaintiff and against the defendant in the sum of Rs.78597.90/- alongwith interest of Rs.4192.87/- at the rate of 12% p.a. at simple rate of interest totalling to Rs.82,790.77/- Refund of court fees as per rules.

2. Suit disposed off accordingly.

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